

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 22-cv-0242 SCY/SMV

**TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA,**

Defendant,

and

**TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA,**

Counterclaimant,

v.

UNITED STATES OF AMERICA,

Counter-Defendant.

SCHEDULING ORDER

THIS MATTER is before the Court on a telephonic Rule 16 scheduling conference held on December 12, 2022. The parties' Amended Joint Status Report and Provisional Discovery Plan [Doc. 31] is adopted, except as modified below. The parties have the following deadlines to join and amend:

Plaintiff moves to amend the pleadings or join additional parties by²:

January 6, 2023

Defendant moves to amend the pleadings or join additional parties by¹: **February 10, 2023**

Discovery will proceed in two phases. Discovery on coverage will proceed first, followed by a second phase for discovery on the extracontractual claims. The following deadlines apply only to coverage discovery:

Termination of discovery on coverage: **September 29, 2023**

Motions relating to coverage discovery filed by²: **October 27, 2023**

The Court will set the following limitations on coverage discovery:

1. 25 Interrogatories by each party to any other party;
2. 25 Requests for Production by each party to any other party;
3. No limit on the number of Requests for Admission served by each party at this time;³
4. 15 depositions per side;
5. Depositions limited to 4 hours of questioning on the record unless extended by agreement of the parties, except depositions of parties, which are limited to 7 hours of questioning on the record unless extended by agreement of the parties.

The parties anticipate filing cross-motions for summary judgment after conducting discovery on coverage. If the case proceeds after those motions are decided, the successor referral

¹ Amendment must comply with Fed. R. Civ. P. 15(a).

² See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. The discovery motions deadline does not extend the 21-day time limit in D.N.M.LR-Civ. 26.6 (Party served with objection to discovery request must file motion to compel within 21 days of service of objection. Failure to file motion within 21 days constitutes acceptance of the objection.).

³ Requests for Admission are subject to the deadline for termination of discovery.

judge will hold a second Rule 16 Scheduling Conference in order to set deadlines for discovery on the extracontractual claims.

Discovery shall not be reopened, nor shall case management deadlines be modified, except by an order of the Court upon a showing of good cause. Discovery must be completed on or before the discovery deadline. Accordingly, service of written discovery is timely only if the responses are due prior to the discovery deadline. A notice to take deposition is timely only if the deposition takes place prior to the discovery deadline. The pendency of dispositive motions does not stay discovery.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge